IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5208 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5209 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5210 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5257 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5258 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5259 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5260 OF 2005

M/s. Garware Synthetics Ltd. & Ors ...Applicants

Versus

M/s. K.M. Enterprises & Anr ...Respondents

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Mr. N.S. Mundargi i/b M/s. India Law Alliance, Advocate for Applicants.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 22ND AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of proceedings relating to Criminal Case Nos. 611/SS/2004, 612/SS/2004 and 613/SS/2004 which are pending in the Court of learned Metropolitan

Magistrate, 30th Court at Kurla, Mumbai and the proceedings relating to Criminal Case Nos.3632/SS/2004, 3631/SS/2004, 3630/SS/2004 and 3629/SS/2004 which are pending in the Court of the learned Metropolitan Magistrate, 33th Court at Ballard Pier, Mumbai. In the said cases, process has been issued against the applicants under Section 138 of Negotiable Instruments Act. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. He further submitted that if the process issued against the applicants is set aside, the proceedings in respect of the applicants would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The

learned advocate for the applicants states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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